

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**SERGIO L. SHAW,**

**Plaintiff,**

**v.**

**Case No. 08-C-311**

**GREEN BAY CORRECTIONAL OFFICER FISHER,**

**Defendant.**

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**DECISION AND ORDER**

Defendant renewed his motion to dismiss on October 22, 2008. Plaintiff's response was due within 30 days of the renewed motion, by November 21, 2008. See Civil Local Rule 56.2 (E.D. Wis.) and Order of October 21, 2008. However, I granted plaintiff's motion for an extension of time to respond, and permitted plaintiff to file his response on or before January 6, 2009.

Despite receiving this extension from the court, plaintiff still failed to respond. On March 9, 2009, I advised plaintiff that if he failed to file a response to defendant's motion by March 30, 2009, I would dismiss this action for lack of prosecution, pursuant to Civil Local Rule 41.3 (E.D. Wis.) and Federal Rule of Civil Procedure 41(b). On April 21, 2009 plaintiff filed a motion to voluntarily dismiss this lawsuit.

**IT IS THEREFORE ORDERED** that plaintiff's motion for voluntary dismissal (Docket # 26) is hereby **GRANTED** and this case is hereby **DISMISSED** pursuant to Federal Rule of Civil Procedure 41(a)(2).

**IT IS FURTHER ORDERED** that defendant's motion to dismiss (Docket # 21) is hereby **DENIED** as moot.

Dated at Milwaukee, Wisconsin, this 20 day of May, 2009.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge